

REMARKS

In the Office Action mailed December 8, 2009 from the United States Patent and Trademark Office, claims 1 and 14 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite, claims 1-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,934,117 to Shen (hereinafter “Shen”), claims 1-8 and 10-14 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,386,602 to Lan (hereinafter “Lan”), and claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lan in view of U.S. Patent No. 5,617,749 to Park (hereinafter “Park”).

Applicants respectfully provide the following:

Claim 15 is new.

Rejections under 35 U.S.C. § 112, Second Paragraph:

In the Office Action, claims 1 and 14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Specifically, the language that the handle spigot engages the housing at one end was rejected as being indefinite. Applicants respectfully traverse and disagree with the rejection.

Specifically, with regard to claim 14, Applicants respectfully note that the claim does not recite that the handle spigot engages the housing at one end. Therefore, Applicants believe the rejection is misplaced and should be withdrawn.

With regard to claim 1, Applicants respectfully note that Figures 3 and 4 and the specification (see page 5 line 27-page 6 line 2) show that the tail portion 20 of the spigot 11 enters into a bore in one end of the housing 12 and is engaged to the housing at that end of the

housing. Applicants therefore respectfully submit that the claimed limitation is clearly disclosed and as claimed is not indefinite. Applicants therefore respectfully requests removal of the rejection.

Applicants note that new claim 15 is presented, and includes limitations similar to that of claim 1 and some portions utilizing language that differs from claim 1.

Rejections under 35 U.S.C. § 102(b):

In the Office Action, claims 1-14 were rejected as being anticipated by Shen and claims 1-8 and 10-14 were rejected as being anticipated by Lan. M.P.E.P. § 2131 sets forth the standard for a rejection of a claim as anticipated under 35 U.S.C. § 102. “To anticipate a claim, the reference must teach every element of the claim.” M.P.E.P. § 2131 states further,

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that the references cited in the Office Action fail to teach every element of the claim set as provided herein for at least the following reasons.

With respect to the rejections over Shen, Applicants respectfully disagree with and traverse the rejections made in the Office action. Specifically, Applicants respectfully submit that Shen does not disclose a housing which is engaged at one end to the handle spigot as claimed in claim 1, and also does not disclose that “the handle is secured to the mounting stock through engagement of the housing with the mounting stock” as claimed in claim 1. Instead, Shen teaches an outer rose cover 18. (Col. 2 lines 10-11.) It should be noted that this is Shen’s only mention of this element in the description, which highlights that the rose serves the standard

purpose of known roses in the art. Specifically, the rose is free to rotate around the shaft provided by the outer spindle 22, and does not serve any structural function. Instead, the rose cover 18 merely serves to snap into place over the inner structural elements labeled 14 and 16 (see the detents on element 18 in Figure 2) for decorative purposes.

Thus, the element cited as corresponding to the claimed housing does not engage at one end to the handle spigot. Also, the element cited as corresponding to the claimed housing is not capable of function as required in claim 1 which recites that the handle is secured to the mounting stock through engagement of the housing with the mounting stock. When the rose of Shen is removed from the mounting stock and spins freely around the shaft formed by the outer spindle 22, the handle remains mounted to and secured to the element recited as corresponding to the mounting stock. Therefore, Shen does not teach every element of claim 1 and does not anticipate claim 1.

One advantage provided by embodiments of the invention as claimed above over Shen is that a less secure rose (such as the rose cover 18 mentioned in Shen) that attaches to an underlying mounting plate is not required.

Claim 14 includes similar limitations to those discussed above that distinguish claim 1 from Shen and is therefore also allowable. Claims 2-13 depend from claim 1 and are therefore also allowable over Shen.

With respect to the rejections over Lan, Applicants respectfully disagree with and traverse the rejections made in the Office Action for reasons similar to those discussed above with respect to the rejections over Shen. Applicants respectfully submit that the Lan fails to disclose the limitations of claim 1 requiring that the spigot engage with one end of the housing and also fails to disclose the limitations requiring that the handle is secured to the mounting stock

through engagement of the housing with the mounting stock. The element recited in the office action as corresponding to the claimed housing is element 16, which is disclosed in Lan as being “a decorative cover.” (See Col. 2 lines 38-40.) As with Shen, this is the only mention of this element in the description, which shows that its function is purely decorative, and is that of a standard, known decorative rose.

Indeed, when the handle of Lan is fully functionally attached to the mounting stock, the decorative cover 16 of Lan is not needed and is only thereafter placed. Lan discloses that the decorative cover is merely preferable. The handle of Lan is secured to the mounting stock 1 of Lan not through engagement of the housing (decorative cover 16) with the mounting stock, but instead through engagement of the spigot itself with the mounting stock. (See Col. 2 lines 41-44.) Therefore, Lan fails to teach every element of claim 1 as is required for a rejection under 35 U.S.C. § 102.

Claim 14 includes similar limitations to those discussed above with respect to claim 1, and is therefore also not anticipated by Lan. Claims 2-13 include such limitations by dependency on claim 1 and are therefore also allowable.

Applicants therefore respectfully request removal of all rejections under 35 U.S.C. § 102(b) as the cited references fail to teach all limitations of the independent claims.

Rejections under 35 U.S.C. § 103(a):

In the Office Action, claim 9 was rejected as being unpatentable over Lan in view of Park. Because claim 1 is allowable over the art of record as discussed above, Applicants respectfully submit that dependent claim 9 distinguishes over the art of record for at least similar reasons. Applicants therefore respectfully request removal of the rejection of claim 9.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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